

TABLE 12. DEATH BENEFITS FOR SURVIVING SPOUSES AND CHILDREN PROVIDED BY
WORKERS' COMPENSATION IN THE U.S.

SAWW - State's Average Weekly Wage

Jurisdiction	Percentage of employee's wage		Payments Per Week		Percentage of SAWW	Maximum Period <u>1</u> /	Notes
	Spouse Only	Spouse & Children	Minimum	Maximum			
Alabama.....	50	66 2/3	\$146 - 27 1/2% of SAWW, or work- er's average wage if less.	\$531.00	100	500 weeks	
Alaska.....	80% of work- er's spend- able earnings	80% of worker's spend- able earnings	\$110 or \$168 if employee shows proof of wages, or worker's spendable weekly wage if less.	\$762.00	120	After 12 years a spouse's benefit payments are terminated unless spouse is perma- nently and totally disabled or has reached age 52.	Children receive benefits if full- time students re- gardless of age for first 4 years. Spouse receives 2- year lump sum upon remarriage. WC benefits subject to offsets under Social Security and an em- ployer pension or profit sharing plan.

1/The term "widow/widowerhood" means the period until the death or remarriage of either surviving spouse.

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Arizona.....	66 2/3	66 2/3	Payable, but not statutor- ily pre- scribed.	\$369.27	N/A	Widow/Widowerhood; children until 18 or married.	Children receive benefits beyond 18 if physically or mentally disabled, or until age 23 if full-time students.
Arkansas....	35	66 2/3	\$20	\$410.00	85	Widow/Widowerhood; children until 18 or married.	Spouse receives 2- year lump sum upon remarriage. Child- ren receive benefits beyond 18 if physi- cally or mentally disabled, until age 25 if full-time students.
California..	66 2/3	66 2/3	\$126	\$490.00	66 2/3	-----	Total amount pay- able is \$145,000; or, with three or more dependents, \$160,000.

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Colorado....	66 2/3	66 2/3	-----	\$593.81	91	Widow/Widowerhood; children until 18.	Two-year lump sum payable upon re-marriage if there are no dependent children. Children are compensated beyond 18 if physically or mentally disabled, or until age 21 if full-time students. WC benefits are subject to Social Security benefit offsets, excluding widows age 60 and older.
Connecticut.	75% of work- er's spend- able earnings	75% of worker's spendable earnings	\$167.60 - 20% of SAWW or an amount not to ex- ceed 75% of worker's average wage if less.	\$838.00	100	Widow/Widowerhood; children until 18.	Children receive benefits beyond 18 if physically or mentally disabled, or until age 22 if full-time students. WC benefits subject to Social Security benefit offsets.

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Delaware....	66 2/3	80	\$149.87 - 22 2/9% of SAWW.	\$449.60 to \$539.52	66 2/3 to 80	Widow/Widowerhood; children until 18.	Two-year lump sum payable upon re- marriage. Children are compensated until age 25 if full-time students.
District of Columbia..	50	66 2/3	\$237.19 - 25% of SAWW.	\$948.76	100	Widow/Widowerhood; children until 18.	Two-year lump sum payable upon re- marriage. Children receive benefits be- yond 18 if physical- ly or mentally dis- abled, or until age 23 if full-time students.
Florida.....	50	66 2/3	\$20 or actual wage if less.	\$571.00	100	Widow/Widowerhood; children until 18.	Lump sum compensa- tion of 26 weeks payable upon remar- riage. Children re- ceive benefits be- yond 18 if physical- ly or mentally dis- abled, or until age 22 if full-time stu- dents. Total amount payable is \$100,000.

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Georgia.....	66 2/3	66 2/3	\$37.50 or average wage if less.	\$375.00	N/A	400 weeks, or age 65 for a dependent spouse and a partial dependent, whichever is greater.	Total maximum of \$125,000 applies to surviving spouse who is sole dependent at time of death, and where there are no other dependents for 1 year or less. Children receive benefits beyond 18 if physically or mentally disabled, or until age 22 if full-time students.
Hawaii.....	50	66 2/3	\$137.00 25% of SAWW, or worker's average wage if less, but not lower than \$38.	\$547.00	100	Widow/Widowerhood; children until 18.	Total maximum pay- able for a spouse is 312 times the effective maximum weekly benefit rate. Two-year lump sum payable upon re- marriage. Maximum amount does not apply to children incapable of self- support.
Idaho.....	45	60	\$222.75 - 45% of SAWW	\$297.00	60	500 weeks	Upon remarriage, spouse receives either 180 weeks of compensation or bal- ance of 500 weeks, whichever is less.

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Illinois.....	66 2/3	66 2/3	\$358.62 - 50% of SAWW	\$956.32	133 1/3	Widow/Widowerhood; children until 18, or for not less than 6 years if orphan child is under age 18.	Children receive benefits beyond age 18 if physically or mentally disabled. Two-year lump sum payable upon re- marriage in cases where there are no children. Children may receive benefits until age 25 if full-time students. Total maximum pay- able in any case is \$250,000 or 20 years of compensation, whichever is greater.
Indiana.....	66 2/3	66 2/3	\$50 or worker's average wage if less.	\$508.00	N/A	500 weeks	Children receive benefits beyond 21 if physically or mentally disabled. Two-year lump sum payable upon re- marriage in cases where there are no children or the remainder of com- pensation, which- ever is smaller. Total maximum amount payable is \$254,000.

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	Spouse Only	Spouse & Children	Minimum	Maximum			
Iowa.....	80% of work- er's spend- able earn- ings	80% of worker's spend- able earn- ings	\$121.38 to \$180.42 or actual wage if less, according to number of dependents.	\$996.00	200	Widow/Widowerhood; children until 18.	Two-year lump sum payable upon re- marriage if no children. Children receive benefits be- yond age 18 if phy- sically or mentally disabled, or until age 25 if full-time students.
Kansas.....	66 2/3	66 2/3	\$25	\$401.00	75	Lifetime for spouse; children until 18.	An initial payment or \$40,000 is pay- able and apportion- ed 50% to surviving spouse and 50% to dependent children in addition to week- ly benefits. Child- ren receive benefits beyond age 18 if physically or men- tally disabled, or until age 23 if full-time students. Total maximum pay- able is \$250,000 excluding dependent children. WC bene- fits subject to UI and Social Security benefit offsets.

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	Spouse Only	Spouse & Children	Minimum	Maximum			
Kentucky....	50	75	\$106.01 - 20% of SAWW.	\$265.03 to \$397.55 According to number of depen- dents.	75 (widow only 50%; depen- dent child, +15% each up to maximum 75%)	Widow/Widowerhood; children until 18.	Children receive benefits beyond 18 if physically or mentally disabled, or until age 22 if full-time students. Two-year lump sum payable to surviv- ing spouse upon remarriage.
Louisiana...	32 1/2	65	\$104 - 20% of SAWW, or actual wage if less.	\$388.00	75	Widow/Widowerhood; children until 18.	Two-year lump sum payable upon re- marriage. Child- ren receive bene- fits beyond age 18 if physically or mentally disabled, or until age 23 if full-time students.
Maine.....	80% of work- er's after tax earn- ings	80% of worker's after tax earn- ings	-----	\$458.83	90	500 weeks	Children receive benefits beyond age 18 if physically or mentally disabled. WC benefits, ex- cluding lump sum settlements, sub- ject to UI benefit offsets, except if benefits started prior to date of injury, or if bene- fits are a spouse's entitlement.

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Maryland....	66 2/3	66 2/3	\$50 or worker's average wage if less.	\$668.00	100	Widow/Widowerhood; children until 18.	Two-year lump sum payable upon re- marriage. Child- ren receive bene- fits beyond age 18 if physically or mentally disabled, or until age 23 if full-time students. WC benefits may continue after a maximum of \$45,000 has been paid if they remain wholly dependent survivors.
Massachusetts	66 2/3	66 2/3	\$166.18 - 20% of SAWW or worker's average wage if less.	\$830.89	100	Widow/Widowerhood; children until 18.	Children receive benefits beyond age 18 if disabled, or regardless of age if full-time stu- dents. Dependent surviving spouses receive benefits during periods when they are not fully self-supporting. Total maximum pay- able may not exceed 250 times the SAWW in effect at time of injury. Addi- tional \$6 will be added per child if weekly benefits are below \$150.

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Michigan....	80% of work- er's spend- able earn- ings	80% of work- er's spend- able earn- ings	\$357.23 - 50% of SAWW.	\$644.00	90	500 weeks	Children receive benefits until 16, 18 if full-time student, or longer if disabled, not- withstanding the 500-week limit.
Minnesota...	50	66 2/3	Payable, but not statutor- ily pre- scribed.	\$750.00	105	Surviving spouse only--10 years; surviving spouse with children-- until last child is no longer de- pendent, plus 10 years; children until 18.	Children receive benefits beyond age 19 if disabled, or until age 25 if full-time students. WC benefits subject to Social Security benefit offsets.
Mississippi.	35	66 2/3	\$25	\$316.46	66 2/3	450 weeks	An additional sum of \$250 is payable to widows. Children receive benefits be- yond age 18 if dis- abled, or until age 23 if full-time stu- dents. Total maximum payable is \$142,407.

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Missouri....	66 2/3	66 2/3	\$40	\$599.96	105	Widow/Widowerhood; children until 18.	Two-year lump sum payable upon re- marriage. Children receive benefits beyond age 18 if disabled, or until age 22 if full-time students, and beyond age 23, if on active duty in the Armed Forces.
Montana.....	66 2/3	66 2/3	\$219.50 - 50% of SAWW, or actual wage if less.	\$439.00	100	Surviving spouse-- 10 years; children until 18.	Children receive benefits beyond age 18 if disabled, or until age 22 if full-time students or if they are en- rolled in an ac- credited appren- ticeship program.
Nebraska....	66 2/3	75	\$49 or actual wage if less.	\$508.00	100	Widow/Widowerhood; children until 18.	Two-year lump sum payable upon re- marriage. Children receive benefits be- yond age 19 if dis- abled, or until age 25 if full-time students.

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Nevada.....	66 2/3	66 2/3	-----	\$580.72	100	Widow/Widowerhood; children until 18.	Two-year lump sum payable upon re- marriage. Children receive benefits be- yond age 18 if dis- abled, or until age 22 if full-time students.
New Hampshire.	60	66 2/3	\$184.60 - 30% of SAWW not to exceed employee's after tax earnings.	\$923.00	150	Widow/Widowerhood; children until 18.	Children receive benefits beyond age 18 if disabled, or until age 25 if full-time students.
New Jersey..	50	70	\$158 - 20% of SAWW	\$591.00	75	Widow/Widowerhood; children until 18	Surviving spouse who remarries is paid 100 times the amount of weekly compensation or remaining amount which would have been due had the spouse not remar- ried, whichever is less. Children receive benefits beyond age 18 if disabled. Supple- mental benefits for death are sub- ject to Social Secu- rity, black lung, or disability pension benefit offsets.

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New Mexico..	66 2/3	66 2/3	Payable, but not statutor- ily pre- scribed.	\$492.98	100	700 weeks	Two-year lump sum payable upon re-marriage. Children receive benefits beyond age 18 if disabled, or until age 23 if full-time students. Total maximum equals the sum of 700 multiplied by the maximum weekly benefit payable at the time of injury.
New York....	66 2/3	66 2/3	\$40	\$400.00	N/A	Widow/Widowerhood; children until 18.	Two-year lump sum payable upon re-marriage. Children receive benefits beyond age 18 if disabled, or until age 23 if full-time students. WC payments subject to Social Security benefit offsets.

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North Carolina..	66 2/3	66 2/3	\$30	\$620.00	110	400 weeks	WC benefits are payable to a surviving spouse incapable of self-support for life. Dependent children receive benefits beyond the 400-week limit until age 18.
North Dakota....	66 2/3	66 2/3	\$271 - 60% of SAWW	\$497.00 plus \$10 per week for each dependent child.	110	Widow/Widowerhood; children until 18.	Children receive benefits beyond age 18 if disabled, or until age 23 if full-time students. Widows receive a \$1,200 lump sum and a \$400 sum for each dependent child. Total maximum payable is \$197,000. Scholarship fund up to \$1,500/yr. for 5 yrs. may be established for spouse and children.
Ohio.....	66 2/3	66 2/3	\$309.00 - 50% of SAWW.	\$618.00	100	Widow/Widowerhood; children until 18.	Two-year lump sum payable upon re-marriage. Children receive benefits beyond 18 if disabled, or until age 25 if full-time students.

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Oklahoma....	70	100	-----	\$473.00	100	Widow/Widowerhood; children until 18.	Two year lump sum payable upon re-marriage. Children receive benefits beyond 18 if disabled, or until age 23 if full-time students. Spouse receives lump sum of \$10,000 and \$2,500 for each child not to exceed \$5,000.
Oregon.....	66 2/3	-----	-----	\$419.11 to \$838.16 according to number of depen- dents.	133 1/3	Widow/Widowerhood; children until 18.	Children receive benefits beyond 18 if disabled, or until age 23 if attending college within in 6 months of high school graduation. Spouse receives 36 times the monthly benefit amount in a lump sum upon remarriage. Spouse receives 4.35 times 25% of SAWW a month per child for each child under age 18. If the surviving spouse dies before all children are age 18, child under 18 receives 4.35 times 25% of SAWW a month until age 18.

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	Spouse Only	Spouse & Children	Minimum	Maximum			
Pennsylvania	51	66 2/3	\$357.78 or 90% of AWW if less.	\$644.00	100	Widow/Widowerhood; children until 18.	Two-year lump sum payable to widows upon remarriage. Children receive benefits beyond 18 if disabled, or until age 23 if full-time students.
Puerto Rico.	50	85	\$65 (payable per month)	\$200.00 (payable per month)	N/A	Widow/Widowerhood; children until 18.	Children receive benefits beyond 18 if disabled. As an advance, widows receive a sum of \$500. Children receive benefits until age 25 if full-time students.
Rhode Island....	66 2/3	80	-----	\$653.00 plus \$40 for each dependent child.	110	Widow/Widowerhood; children until 18.	Children receive benefits beyond 18 if disabled, or until age 23 if full-time students.
South Carolina..	66 2/3	66 2/3	\$75 or worker's average wage if less.	\$532.77	100	500 weeks	Two-year lump sum payable upon re- marriage. Children receive benefits be- yond 19 if disabled, or until age 23 if full-time students.

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South Dakota....	66 2/3	66 2/3	\$224 - 50% of SAWW, or worker's average wage if less.	\$448.00 plus \$50 per month for each child.	100	Widow/Widowerhood; children until 18.	Two-year lump sum payable upon re- marriage. Children receive benefits be- yond 18 if disabled, or until age 22 if full-time students.
Tennessee...	50	66 2/3	\$84.30	\$562.00	N/A	Widow/Widowerhood; children until 18.	Children receive benefits beyond 18 if disabled, or un- til age 22 if full- time students. Tot- al maximum amount payable is \$224,800. Lump sum of \$10,000 will be paid to de- cedent's estate when there are no depen- dents.
Texas.....	75	75	\$80 - 15% of SAWW.	\$533.00	100	Widow/Widowerhood; children until 18.	Two-year lump sum payable upon re- marriage. Children receive benefits be- yond 18 if disabled, or until age 25 if full-time students.

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Utah.....	66 2/3	66 2/3	\$45 to \$70 accord- ing to num- ber of de- pendents.	\$450.00	85	312 weeks	WC benefits may be extended if surviv- ors remain wholly dependent. After 312 weeks, bene- fits to wholly de- pendent spouse be- come subject to Social Security benefit offsets. 52-week lump sum or remainder of award payable upon remarriage, which- ever is less.
Vermont.....	66 2/3	76 2/3	\$263 - 50% of SAWW.	\$790.00	150	Widow/Widowerhood until age 62; children until 18.	Children receive benefits beyond 18 if disabled or if full-time students.
Virginia....	66 2/3	66 2/3	\$151.50 - 25% of SAWW, or actual wage if less.	\$606.00	100	500 weeks	Children receive benefits beyond age 18 if disabled, or until age 23 if full-time students.

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Virgin Islands <u>2</u> /	-----	-----	-----	-----	---	-----	-----
Washington..	60	70	\$42.69 or more according to number of depen- dents.	\$821.77	120% of State's <u>monthly</u> wage	Widow/Widowerhood; children until 18.	Children receive benefits beyond age 18 if disabled, or until age 23 if full-time students. A one-time supple- mental payment equal to 100% of State average month- ly wage is also paid at time of death. Upon remarriage, surviving spouse is entitled to a lump sum of 24 times the monthly compensation rate in effect on date of remarriage allocable to the spouse.

2/ Virgin Islands: Dependents are entitled to receive compensation of not less than \$12,500, nor more than \$16,500; except for dependents of policemen and firemen who are entitled to not less than \$12,500, nor more than \$25,000 at the discretion of the Commissioner of Labor.

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West Virginia..	70	70	\$163.52 - 33 1/3% of SAWW**	\$490.55	100	Widow/Widowerhood; children until 18.	Children receive benefits beyond age 18 if disabled, until age 25 if full-time students. **Claimants receiv- ing benefits prior to 7/1/94 shall not have their benefits reduced based upon the requirement that such benefits shall not exceed the applicable Federal hourly minimum wage.
Wisconsin...	66 2/3	See Notes	\$30 or actual wage if less.	\$582.00	100	300 weeks	Additional WC bene- fits are payable from the State Fund for dependent child- ren under age 18 (10% of surviving spouse's benefit is the allowance made for each child); and if child is over age and disabled, bene- fits may continue for 15 years.

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Wyoming.....	-----	-----	-----	\$504.88	66 2/3% of <u>monthly</u> wage	54 months	Children receive benefits until age 19 or beyond if disabled, not to exceed age 21. May continue payment beyond 54 months at 33 1/3% of the State Average Monthly Wage.
United States*: FECA.....	50	75	\$1,334.50 <u>3</u> / or actual wage if less.	\$1,494.56	See Notes	Widow/Widowerhood; children until 18.	WC benefits are based on the pay of a specific grade level in the Federal Civil Service. Children receive benefits beyond age 18 if disabled, or until age 23 if full-time students.
LHWCA.....	50	66 2/3	\$233.46 - 50% of NAWW**, or actual wage if less.	\$933.82	N/A	Widow/Widowerhood; children until 18.	Children receive benefits beyond age 18 if disabled, or until age 23 if full-time students. **National Average Weekly Wage is \$466.91.

*Federal Employees' Compensation Act; Longshore and Harbor Workers' Compensation Act.

3/ FECA: Minimum indicated is the absolute amount of compensation payable monthly for death.